

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| City of Charlotte, North Carolina |) | PS Docket No. 06-229 |
| Request for Declaratory Ruling |) | |
| |) | |

To: The Commission

**REQUEST FOR EXTENSION OF TIME
EXPEDITED ACTION REQUESTED**

Pursuant to 47 C.F.R. § 1.46, Harris Corporation, the Telecommunications Industry Association, and the Utilities Telecom Council (“Joint Filers”) respectfully request that Federal Communications Commission (“Commission”) extend the time for filing comments in response to the Commission’s *Public Notice*¹ seeking comment on the City of Charlotte, North Carolina’s Request for Declaratory Ruling. An extension is in the public interest as it will allow parties to meaningfully address the critical and substantial policy issues addressed in the *Public Notice* and complex technical questions presented in *Third Report and Order and Fourth Further Notice of Proposed Rulemaking* (“*Fourth FNPRM*”).² The Joint Filers respectfully request that the Commission extend the filing deadline (comment and reply comment) for the aforementioned *Public Notice* by 45 days. The Joint Filers strongly encourage the Commission to act

¹ Public Safety and Homeland Security Bureau Seeks Comment on Petition for Declaratory Ruling Asking to Clarify the Scope of Section 337 Regarding Use by State or Local Government Entities of the 700 MHz Public Safety Broadband Spectrum, *Public Notice*, PS Docket No. 06-229, DA 11-537 (rel. Mar. 22, 2011).

² Service Rules for the 698-746, 747-762 and 777- 792 MHz Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, Amendment of Part 90 of the Commission’s Rules, WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, (rel. Jan. 26, 2011) (“*Fourth FNPRM*”).

expeditiously on the City of Charlotte's Request for Declaratory Ruling following the conclusion of the revised comment period.

Although the Commission does not routinely grant extensions of filing deadlines, the Commission has often recognized that a pleading cycle extension is warranted when necessary to ensure that the Commission receives full and informed responses to the issues and that affected parties have a meaningful opportunity to develop a complete record for the Commission's consideration.³ The deployment of an interoperable nationwide public broadband network is one of the Commission's top priorities and the issues raised in both the *Fourth FNPRM* and the City of Charlotte's Request for Declaratory Ruling are vitally important to the deployment of the network. In the *Fourth FNPRM* the Commission puts forth a host of questions related 47 U.S.C. § 337(f),⁴ issues that are also raised by the City of Charlotte in their Request for Declaratory Ruling.⁵ In order to establish a complete record on all issues surrounding the Commission's implementation of 47 U.S.C. § 337(f), the Commission should allow for the comment period established in connection to the *Fourth FNPRM* to close before seeking comment on the City of Charlotte's Request for Declaratory Ruling. The comments provided in connection with the *Fourth FNPRM* will help inform interested parties feedback and the Commission's analysis of the City of Charlotte's Request for Declaratory Ruling. Furthermore, the timing of the *Public*

³ See, e.g., Media Bureau Grants Extension of Time to File Comments and Reply Comments In Response to Broadcast Localism Notice of Proposed Rulemaking, Public Notice, MB Docket No. 04-233, DA 08-515 (MB 2008) ("we agree that an extension of the comment and reply comment period is warranted to enable commenters to adequately review, investigate, and comment on the specific issues raised in the NPRM and respond to the extensive comments filed in response thereto"); Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, Order, 20 FCC Rcd 19868, ¶ 3 (WTB 2005); Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, Order, 23 FCC Rcd 10527, ¶ 4 (WTB 2008); Elimination of Rate-of-Return Regulation of Incumbent Local Exchange Carriers, Federal-State Joint Board on Universal Service, Order, 18 FCC Rcd. 26307, ¶ 2 (WCB 2003); Telephone Number Portability, Order, 18 FCC Rcd. 26604, ¶ 2 (WCB 2003).

⁴ *Fourth FNPRM*, *supra* note 2, at ¶¶134-140.

⁵ See The City of Charlotte, North Carolina, Petition for Declaratory Ruling, PS Docket No. 06-229, (filed Mar. 7, 2011).

Notice, coupled with the previously established comment dates of the *Fourth FNPRM*, make it extremely difficult for interested parties to formulate a complete and comprehensive response to the interrelated questions posed in both proceedings.

In light of the circumstances and reasoning set forth above, the Joint Filers respectfully request that the Commission extend the filing deadline (comment and reply comment) for the *Public Notice* seeking comment on the City of Charlotte's Request for Declaratory Ruling by 45 days. A filing extension is critical in order to: (1) allow interested stakeholders to more thoroughly evaluate the *Public Notice*—especially in light of responses provided in reply to the *Fourth FNPRM* regarding 47 U.S.C. 337(f); (2) provide for the development of a complete record for the Commission to base its decision on with regards to the City of Charlotte's Request for Declaratory Ruling; and (3) allow entities to fully evaluate and confront the substantial policy issues addressed in the *Public Notice* and the complex technical issues that are simultaneously being considered in the *Fourth FNPRM*.

Respectfully submitted,

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